

NOTICE OF HEARING

October 11, 2017

OMAR A. ARIAS
2781 TWIN OAKS LANE
SAN JOSE, CA 95127

AGENDA ITEM:	6a
HEARING DATE:	October 26, 2017
HEARING TIME:	6:30 p.m.
HEARING PLACE:	City Hall Council Chambers 200 E Santa Clara Street San Jose, CA 95113

RE: COMPLIANCE ORDER DATED **APRIL 15, 2016**
FILE NO: **201116461**
PERMIT NO: **2015-012446**
VIOLATION ADDRESS: **2781 TWIN OAKS LANE**
ORIGINAL INSPECTION DATE: **FEBRUARY 24, 2012**
COMPLIANCE DATE: **MAY 30, 2016**

ATTENTION RESPONSIBLE PARTY/PROPERTY OWNER:

Based upon the enclosed "Inspection Report," the Director of Planning, Building and Code Enforcement has determined that full compliance with the above referenced "Compliance Order" has not been achieved as of the "Compliance Date." As stated in the Compliance Order, you had a right to contest the issuance of the Compliance order through a hearing before the Director. However, you did not exercise this right. Therefore, the next step in the process under the San Jose Municipal Code is a hearing before the City of San Jose's Appeals Hearing Board (Board). Your hearing is set for October 26, 2017. The hearing date is firm to ensure the prompt disposition of cases. All parties and their representative(s) must regard the date set for hearing as certain. A party seeking a continuance of the date set for hearing, whether contested or uncontested or stipulated to by the parties, must make the request for a continuance as soon as possible, and specify the grounds for continuance. A continuance may be granted on an affirmative showing of good cause specified in subsection b, and based on consideration of the facts and circumstances specified in subsection c of Section 408 of the Appeals Hearing Board Rules and Regulations.

San Jose Municipal Code section 1.14.060 (E) provides that the Hearing will be limited to whether or not compliance has been achieved and the assessment of penalties. However, Code Enforcement will ask that the Board issue findings as well.

The Board shall consider any written or oral evidence consistent with its rules and procedures regarding the violation and compliance by the violator or by the real property owner. Notification of matters to be presented to the Appeals Board including, but not limited to, documents and exhibits, must be exchanged between the parties, and provided to the Secretary of the Appeals Hearing Board, clearly identifying that the submittals are for the Appeals Hearing Board, identifying the hearing by title, and specifying the relevant hearing date(s), no later than ten (10) days before the scheduled

hearing so that there is adequate time for City staff to prepare the packets for the Board members. (Section 307 of the Appeals Hearing Board Rules and Regulations). The Board will issue written findings that the violation is deemed admitted under the Code and whether the responsible party failed to make required corrections within the compliance period.

If the Board finds by a preponderance of the evidence that the violation has occurred and was not corrected within the specified period, the Board will issue an Administrative Order. The Administrative Order may include any or all of the following:

- An order to correct;
- Administrative penalties in an amount up to two thousand five hundred dollars (\$2,500.00) a day per violation;
- Reimbursement of all of the City's enforcement costs.

NOTE: Administrative Penalties imposed by the Board shall accrue from the Compliance Date specified in the Compliance Order and cease to accrue on the date the violation is corrected as determined by the Director or the Board. Failure to pay the assessed penalties and costs may be enforced as:

- A personal obligation of the violator; and/or
- If the violation is in connection with real property, a lien upon the real property. Consistent with California Code of Civil Procedure Section 685.010, as may be amended, an interest rate of ten percent (10%) per annum shall be charged on the principal amount of an administrative lien, from the date the lien is first recorded until the date that payment is received by the City.


If the Board finds that no violation has occurred or that the violation was corrected within the time period specified in the Compliance Order, the Board shall issue a finding of those facts.

The Hearing serves to provide the full opportunity of any person subject to a Compliance Order to object to the determination that a violation has occurred and/or that the violation has continued to exist. The failure of any person subject to a Compliance Order to appear at the hearing shall constitute a failure to exhaust administrative remedies.

You are welcome to bring an interpreter, attorney, or any other person to assist you at this meeting. Please notify Board Secretary Karla Caceres at (408) 535-7720 at least seven (7) days before the meeting date if you will be bringing interpreters, attorneys, or other persons to assist you at the meeting.

A copy of the Compliance Order is attached for your information. Should you have any questions regarding this matter, please contact Code Enforcement Inspector William Gerry at (408) 535-6893.

NOTE: If all outstanding violations now have been corrected you must schedule another inspection to avoid continuing administrative penalties. Please contact Inspector William Gerry, at (408) 535-6893 to make the arrangements. You will be subject to administrative charges for this follow-up inspection. Regardless of the results, the Hearing will NOT be cancelled.


Diane Buchanan, Code Enforcement Official
Planning, Building and Code Enforcement

Enclosures

CITY OF SAN JOSÉ
DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT
200 E. Santa Clara Street, San Jose, CA 95113
(408) 535-7770 FAX (408) 292-6924

HEARING BEFORE
THE SAN JOSE APPEALS HEARING BOARD
CITY OF SAN JOSE - CITY HALL, COUNCIL CHAMBERS
200 E SANTA CLARA STREET, SAN JOSE, CA 95113
HEARING DATE: 6a
HEARING TIME: 6:30 P.M.
AGENDA ITEM NO:

CODE ENFORCEMENT DIVISION - INSPECTION REPORT

RE: ASSESSOR'S PARCEL #: 488-17-049

LOCATION:

2781 TWIN OAKS LANE
SAN JOSE, CA 95127

OWNER: OMAR A. ARIAS

2781 TWIN OAKS LANE
SAN JOSE, CA 95127

COMPLAINT DATE: NOVEMBER 30, 2011

COMPLIANCE ORDER INSPECTION DATE: FEBRUARY 24, 2012

COMPLIANCE ORDER MAILING DATE: APRIL 15, 2016

SAN JOSE MUNICIPAL CODE SECTIONS: 24.01.130, 24.02.100, 24.02.515

COMPLIANCE DUE DATE: MAY 30, 2016

REINSPECTION DATE: JANUARY 9, 2017

INSPECTION REPORT DATE: SEPTEMBER 26, 2017

INSPECTOR: WILLIAM GERRY

ANALYSIS AND RECOMMENDATIONS

I. RECOMMENDATION

Code Enforcement staff recommends that the Appeals Hearing Board uphold the Director of Planning, Building and Code Enforcement's determination that compliance with the Compliance Order, described below, was not achieved by the Compliance Date and include the following findings of fact, conclusions and orders in its Administrative Order:

II. PROCEDURAL STATUS

This Compliance Order was issued under the new provisions of San Jose Municipal Code Section 1.14.030. This new procedure was intended to provide an opportunity for the property owners to appeal the issuance of compliance orders and streamline the process.

Under this new procedure, the property owner was given an opportunity for an intermediate review of the basis for issuing the Compliance Order. If the property owner disputes the basis for the Compliance Order, he or she may request a hearing before the Director. (San Jose Municipal Code Section 1.14.045.) However, if the person does not contest the Compliance Order, the basis for the compliance is admitted, and this Board's role is to determine whether compliance has been achieved, and to assess penalties. San Jose Municipal Code Section 1.14.060(E). That section provides as follows:

If the person subject to the compliance order fails to request a director's hearing, or fails to file an appeal after the decision of the director, the basis for the issuance of a compliance order will be deemed admitted, and the hearing shall be limited to whether or not compliance has been achieved and the assessment of penalties.

SJMC Section 1.14.060(E).

As set forth in detail below, the Property Owner did not request a hearing before the Director. Therefore, this hearing is limited to whether or not compliance has been achieved and the assessment of penalties.

III. FACTS

A. Complaint Received

On November 30, 2011, Code Enforcement received a telephone complaint that the single-family residence located at 2781 Twin Oaks Lane ("Subject Property") contained overcrowding in the home and a garage that has been converted into living space and is occupied.

B. Pre-Compliance Order Investigation

On January 6, 2012, Inspector Mike Tran conducted the inspection of the Subject Property. Inspector Tran observed a single family home. Inspector Tran observed two windows installed on opposite walls of the attached garage. While on site, Inspector Tran spoke to the tenants of the Subject Property and confirmed that the attached garage is occupied and is being rented out to another family. Inspector Tran was unable to access the attached garage. True and correct photographs of the inspection are attached hereto as **Exhibit A**.

On January 10, 2012, Inspector Tran spoke to the Property Owner and confirmed that he is renting out the garage to four (4) persons. The Property Owner confirmed to Inspector Tran that the garage had been converted into living space with a full bathroom prior to his purchase of the Subject Property. Inspector Tran advised the Property Owner that an inspection of the garage is required. The Property Owner stated that he would call Inspector Tran to schedule the inspection.

On that same day, Inspector Tran researched the City of San Jose database and confirmed the permit history for the Subject Property. Inspector Tran confirmed that there was no permits on file for a converted garage.

On February 21, 2012, Inspector Tran spoke to the Property Owner and confirmed the Inspection appointment for February 24, 2012, at 11:30 AM.

On February 24, 2012, Inspector Tran conducted the inspection of the Subject Property. Inspector Tran confirmed that the attached garage had been converted into living space that includes two (2) bedrooms, a kitchen and a bathroom. Inspector Tran confirmed that the garage was vacant and not being occupied for living purposes at that time. True and correct photographs of the inspection are attached hereto as **Exhibit B**.

On March 7, 2012, the case #201116461 was reassigned.

On May 23, 2013, Inspector Sharon Yamzon researched the Santa Clara County property ownership records and the RealQuest database system and found that Omar A. Arias is the legal owner(s) ("Property Owner(s)") of 2781 Twin Oaks Lane as shown on the latest property assessment roll, and resides at 2781 Twin Oaks Lane. True and correct copy of the Grant Deed is attached hereto as **Exhibit C**.

C. Alleged Code Violations

1. San Jose Municipal Code Section 24.01.130 – Compliance with Title Provisions Required

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the city, or cause or permit or suffer the same to be done, in violation of this title or in violation of any of the provisions of the Codes adopted hereunder.

The attached garage was converted into living space including plumbing and electrical modifications without Building Division approval/finaled permit(s).

3. San Jose Municipal Code Section 24.02.100 – Permits Required

Except as specified in this part, no building, structure or building service equipment regulated by this title and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the building official.

The attached garage was converted into living space including plumbing and electrical modifications without Building Division approval/finaled permit(s).

4. San Jose Municipal Code Section 24.02.515 – Approval Required

E. There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

The attached garage was converted into living space including plumbing and electrical modifications without Building Division approval/finaled permit(s).

Note: Permit #2015-012446 for the following scope of work: revert garage back to original state per 2013-127305 Code Case, open exterior wall and install garage door and garage door opener, did not obtain a final inspection approval from the Building Division and violates SJMC 24.02.515.

D. Inspection Notice Issued

Inspector Yamzon prepared and mailed to the Property Owner(s) of record, Omar A. Arias, 2781 Twin Oaks Lane an Inspection Notice dated August 13, 2013. The Inspection Notice provided the Property Owner with notice and a description of the violations of San Jose Municipal Code Sections 20.30.010 B, 24.01.130, and 24.02.100 and that the Property Owner shall:

- On or before September 9, 2013, contact Code Enforcement Inspector Todd Waltrip at todd.waltrip@sanjoseca.gov to discuss compliance regarding the building code violations identified above on the subject property. If you do not have access to e-mail you may also contact him at: 408-535-4892.

The Inspection Notice, mailed to Property Owner(s) on August 13, 2013, was not returned undeliverable. A copy of the Inspection Notice is attached hereto and incorporated herein by this reference as **Exhibit D**.

E. Re-inspections and Other Post Inspection Notice Activity

Between September 4, 2013, and April 2, 2015, Code Enforcement staff telephoned, e-mailed and met with the Property Owner to support their need to obtain the required building permits to revert the attached garage back to its permitted use.

On April 2, 2015, permit #2015-012446 was issued to the Property Owner by the Building Division for the following scope of work:

- Revert garage back to original state per 13-127305 code case
- Open exterior wall and install garage door
- Garage door opener

True and correct copy of the permit documentation is attached hereto as **Exhibit E**.

On April 7, 2016, case #201116461 was re-assigned to Inspector William Gerry.

On April 15, 2016, Inspector Gerry researched the City of San Jose database system and confirmed that building permit #2015-012446 was expired and did not obtain the final inspection approval from the Building Division.

F. Compliance Order Issued

Inspector Gerry prepared and mailed to the Property Owner of record, Omar A. Arias, 2781 Twin Oaks Lane a Compliance Order dated April 15, 2016. The Compliance Order provided the Property Owner with notice and a description of the violations of San Jose Municipal Code Sections 20.10.030, 24.01.100, 24.01.130, 24.02.100, and 24.02.515 and that the Property Owner shall:

On or before May 30, 2016, you are hereby required to:

- Contact the Building Division (408) 535-3555 to reactivate permit #2015-012446 or obtain a permit to final the expired permit.
- Complete all corrective building work to legalize permit #2015-012446 for the following scope of work: revert the attached garage back to its original state, open exterior wall and install a functional garage door/garage door opener, cap off washing machine drain AND obtain a final clearance inspection (final permit) from the City of San Jose Building Division.

The Compliance Order, mailed to the Property Owner on April 15, 2016, was not returned undeliverable. A copy of the Compliance Order is attached hereto and incorporated herein by this reference as **Exhibit F**.

The Compliance Order explains the appeal process as follows:

The Department of Planning, Building and Code Enforcement (Code Enforcement) has issued an Compliance Order (Compliance Order) alleging that the subject property is in violation with the San Jose Municipal Code. Failure to correct all violations listed in the notice, before the compliance date may result in administrative penalties up to \$2,500 per day for each violation until compliance is achieved as well as the assessment of all administrative costs. This action is in addition to all other legal remedies, criminal or civil, which may be pursued by the city in response to any violation.

If you believe that your property is not in violation with the San Jose Municipal Code and you dispute the basis for Compliance Order, you MUST file a request for a Director's hearing within fourteen (14) calendar days of the date of the Inspection Notice was mailed or personally delivered to the responsible person(s).

Your request for hearing must be mailed or personally delivered to:

City of San Jose
Code Enforcement Division
200 East Santa Clara Street 3rd floor
San Jose, CA 95113-1905

Your request for an appeal must be received by the City within the timeline above.

If you do not file a request for hearing, the Compliance Order will become final. If a timely appeal is filed, then a hearing will be scheduled. You will receive at least seven (7) days' notice that a hearing on you appeal will take place.

The Director's hearing is informal and provides you with an opportunity to present your evidence and testimony in dispute of the Compliance Order. After the close of the hearing, the Director will make a decision. The written decision will be mailed within 5 business days of the hearing. If you dispute the Director's decision, you may appeal to the San Jose Appeals Hearing Board. That Board is described at:

<http://www.sanjoseca.gov/clerk/CommissionBoard/AppealsHear.asp>

Your rights when a Compliance Order is issued are contained in the San Jose Municipal Code Section 1.14.030 and the following sections. It is available online at www.sanjoseca.gov by clicking on the link at the right of the page, "Municipal Code."

The Property Owners did not request a hearing.

G. Re-inspections and Other Post Compliance Order Activity

Between April 15, 2016, and September 22, 2016, Inspector Gerry e-mailed the Property Owner six (6) times and spoke to the Property Owner once and advised that the Property Owner needed to comply with the issued Compliance Order dated April 15, 2016. Inspector Gerry also visited the Subject Property two (2) times, leaving a business card at the front door requesting that the Property Owner contact Inspector Gerry.

On September 22, 2016, Inspector Gerry prepared and mailed to the Property Owner of record, Omar A. Arias, 2781 Twin Oaks Lane an Appeals Hearing Notice Warning Letter. The Appeals Hearing Notice Warning Letter was not returned undeliverable. A copy of the Appeals Hearing Notice Warning Letter is attached hereto and incorporated herein by this reference as **Exhibit G**.

Between September 23, 2016, and March 7, 2017, Inspector Gerry e-mailed the Property Owner nine (9) times and spoke to the Property Owner two (2) times and advised repeatedly that the Property Owner needed to comply with the issued Compliance Order dated April 15, 2016. Inspector Gerry warned the Property Owner in those conversations that an Appeals Hearing Board hearing will take place if compliance is not achieved. The Property Owner advised Inspector Gerry that he would take care of the violations. Inspector Gerry also visited the Subject Property two (2) times, leaving a business card at the front door requesting that the Property Owner contact Inspector Gerry.

On May 24, 2017, Inspector Gerry researched the City of San Jose database system and confirmed that permit #2015-012446 remains expired without obtaining a final inspection approval from the Building Division.

On July 12, 2017, Inspector Gerry conducted a re-inspection of the Subject Property. Inspector Gerry was unable to speak with any person at the single family home. While standing at the exterior of the Subject Property, Inspector Gerry did observe unpermitted windows installed in the garage area. Inspector Gerry observed toys in the window sill of the garage area. True and correct photographs of the inspection are attached hereto as **Exhibit H**.

On September 27, 2017, Inspector Gerry researched the City of San Jose database system and confirmed that permit #2015-012446 remains expired without obtaining final inspection approval from the Building Division.

H. Administrative Costs

In connection with this matter before the Appeals Hearing Board, the City of San Jose has incurred Administrative Costs that can be assessed against the Property Owner(s). These Administrative Costs total **\$1632.30** and are fully itemized on **Attachment 1** attached hereto and incorporated herein by this reference.

I. Administrative Penalties

In connection with this matter, Code Enforcement staff recommends, pursuant to San Jose Municipal Code Section 1.14.090, the imposition of Administrative Penalties in the amount of \$5,000.00. If full compliance with the Board's Order is not achieved by January 31, 2018, Code Enforcement staff recommends the imposition of additional Administrative Penalties in the amount of \$100.00 starting with February 1, 2018, until the date of compliance with the Boards Order, up to a maximum of \$100,000.

These Administrative Penalty amounts are recommended in consideration of the following:

1. The Code violations observed at 2781 Twin Oaks Lane have been in existence since February 24, 2012; and
2. The Property Owner(s) has not complied with the provisions of the Compliance Order, dated April 15, 2016; and
3. The Property Owner(s) has failed in good faith towards correction of the Municipal code violations found on the Subject Property.

IV. CODE ENFORCEMENT STAFF RECOMMENDATIONS

A. Code Enforcement staff recommends that, based upon analysis of the above facts the Appeals Hearing Board concludes and finds that:

1. Omar A. Arias is the **owner** of the property located at 2781 Twin Oaks Lane and is responsible for the Code violations on the property.
2. On February 24, 2012, and September 27, 2017, and on all those dates in between the property located at 2781 Twin Oaks Lane was in violation of 24.01.130, 24.02.100, 24.02.515. The Property Owner(s) failed to correct the identified violations.
3. Compliance with the requirements set forth in the Compliance Order dated April 15, 2016, was not achieved by the specified compliance date of May 30, 2016.

B. Code Enforcement staff recommends that, based upon analysis of the above referenced facts, conclusions and findings, the Appeals Hearing Board further concludes and finds that:

1. The code violations observed on the property located at 2781 Twin Oaks Lane have been in existence since February 24, 2012; and
2. The Property Owner(s) has not complied with the provisions of the Compliance Order, dated April 15, 2016; and
3. The Property Owner(s) has failed to perform in good faith towards correction of the Municipal Code violations found on the Subject Property.

C. Code Enforcement staff recommends that, based upon the facts and findings set forth above, the Appeals Hearing Board hereby orders that:

1. The Violation Occurred

Pursuant to San Jose Municipal Code section 1.14.060(E), the Property Owner failed to timely request a hearing before the Director. Therefore, the basis for the Compliance Order is deemed admitted. Even if not deemed admitted, sufficient facts were presented to the Board to determine that the violations occurred.

2. Order to Correct

On or before January 31, 2018, the Property Owner shall:

- Contact the Building Division (408) 535-3555 to reactivate permit #2015-012446 or obtain a permit to final the expired permit.
- Complete all corrective building work to **legalize** permit #2015-012446 for the following scope of work: revert the attached garage back to its original state, open exterior wall and install a functional garage door/garage door opener, cap off washing machine drain **AND** obtain a final clearance inspection (**final permit**) from the City of San Jose Building Division.

3. Administrative Costs


On or before December 11, 2017, the Property Owner shall pay Administrative Costs to the City of San Jose in the amount of **\$1632.30**.

4. Administrative Penalties

On or before December 11, 2017, the Property Owner(s) shall pay Administrative Penalties to the City of San Jose, pursuant to San Jose Municipal Code Section 1.14.090, in the amount of \$5,000.00. If full compliance with the Board's Order is not achieved by January 31, 2018, the Property Owner(s) shall pay additional Administrative Penalties in the amount of \$100.00 per day, from February 1, 2018, until the date of compliance with the Board's Order, up to a maximum of \$100,000.00. If the Administrative Penalties are not paid and are recorded as a lien on the real property pursuant to San Jose Municipal Code Sections 1.14.160 and 1.14.180, as may be amended, an interest rate of ten percent (10%) per annum shall be charged on the principal amount of the administrative lien, from the date the lien is first recorded until the date that payment is received by the City, consistent with California Code of Civil Procedure Section 685.010, as may be amended.

ATTESTING STATEMENT OF CODE ENFORCEMENT INSPECTOR

1. I am the Code Enforcement Inspector of the City of San Jose assigned to investigate the potential Municipal Code violations at 2781 Twin Oaks Lane that are the subject of this Inspection Report; and
2. I have prepared or reviewed this Inspection Report and can attest to the truth of the matters within my knowledge stated above.



SIGNATURE OF WILLIAM GERRY
Code Enforcement Inspector
Badge Number 105E

ATTACHMENT 1

DETAIL OF ADMINISTRATIVE COSTS

RE: COMPLIANCE ORDER, DATED APRIL 15, 2016
FILE NO: 201116461
PERMIT NO: 2015-012446
VIOLATION ADDRESS: 2781 TWIN OAKS LANE
INSPECTION DATE: FEBRUARY 24, 2012
COMPLIANCE DATE: MAY 30, 2016

February 24, 2012	Compliance Order Inspection	\$125.00
April 15, 2016	Santa Clara County Property Ownership Research	\$126.50
April 15, 2016	Zoning Research	\$126.50
April 15, 2016	Compliance Order	\$126.50
N/A	Building Compliance Inspection	\$0.00
March 3, 2017	Hearing Paperwork	\$793.80
March 3, 2017	Attorney Review	\$202.00
October 12, 2017	Hearing	\$132.00
TOTAL		\$1632.30

<u>Effective July 1, 2014</u>	Code Enforcement Hourly Rate:	\$125.00
<u>Effective July 1, 2015</u>	Code Enforcement Hourly Rate:	\$126.50
<u>Effective July 1, 2016</u>	Code Enforcement Hourly Rate:	\$132.30
<u>Effective July 1, 2017</u>	Code Enforcement Hourly Rate:	\$132.00

Exhibit A

2781 TWIN OAKS LANE

JANUARY 10, 2012

UNPERMITTED WINDOW AT THE EXTERIOR OF THE GARAGE



2781 TWIN OAKS LANE

JANUARY 10, 2012

UNPERMITTED WINDOW AT THE EXTERIOR OF THE GARAGE



2781 TWIN OAKS LANE

JANUARY 10, 2012

ROLL-UP GARAGE DOOR

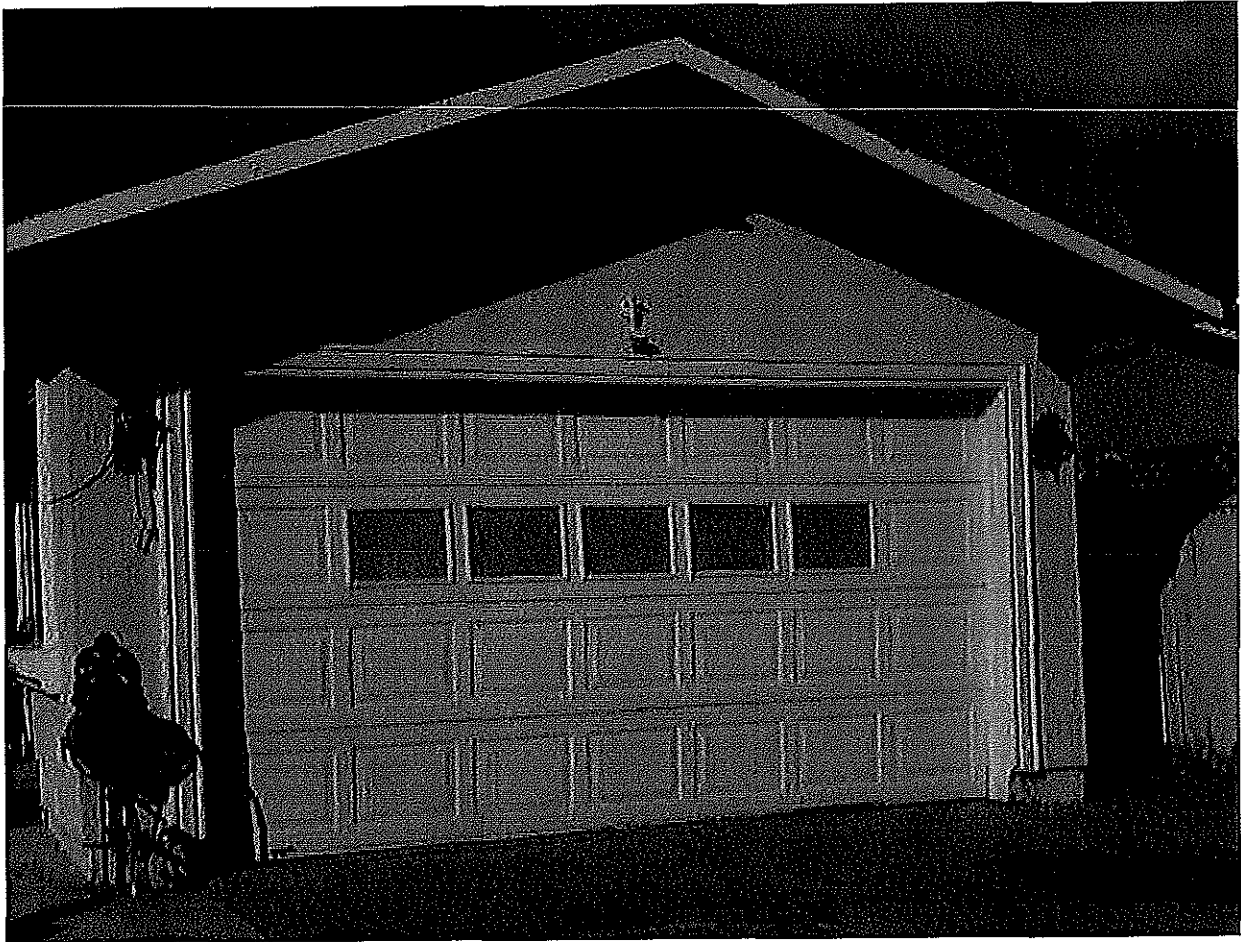
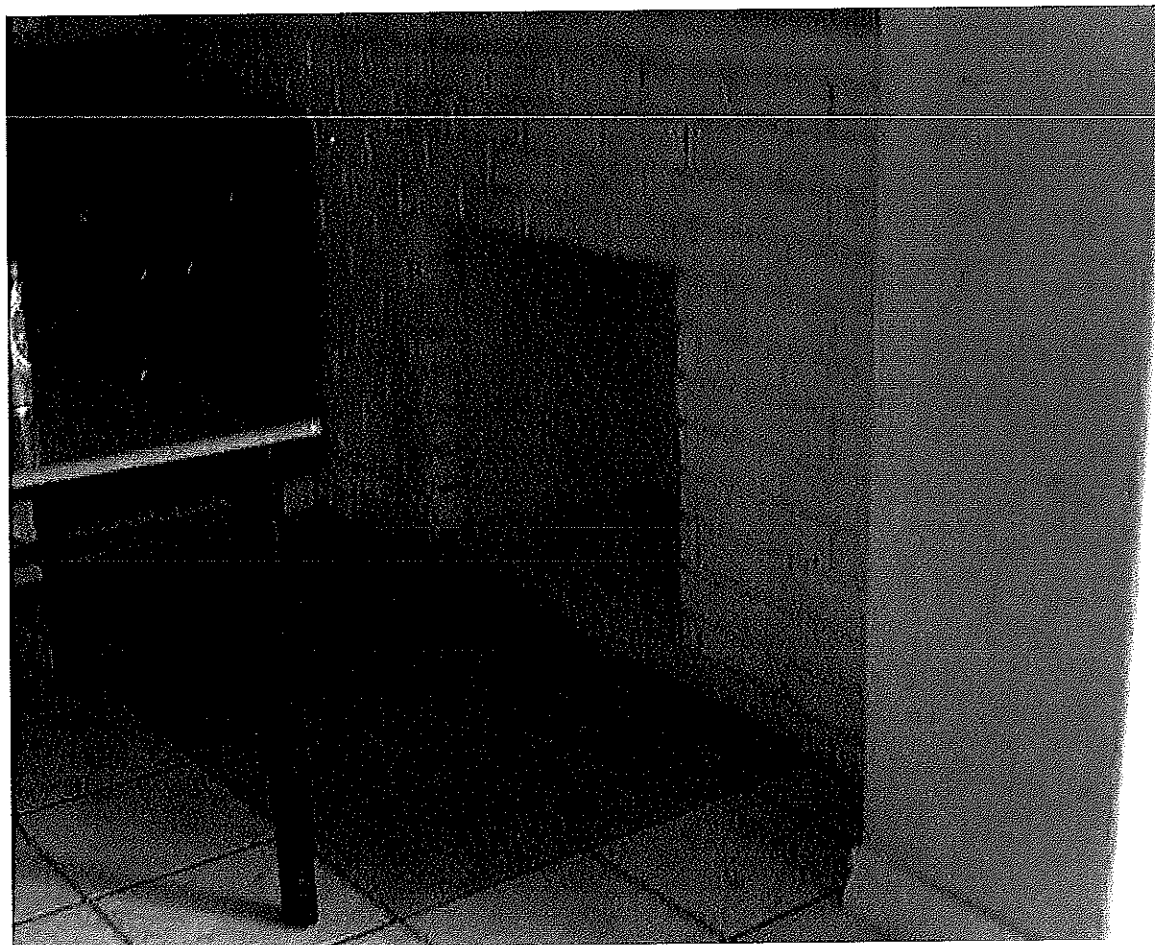


Exhibit B

2781 TWIN OAKS LANE

FEBRUARY 24, 2012

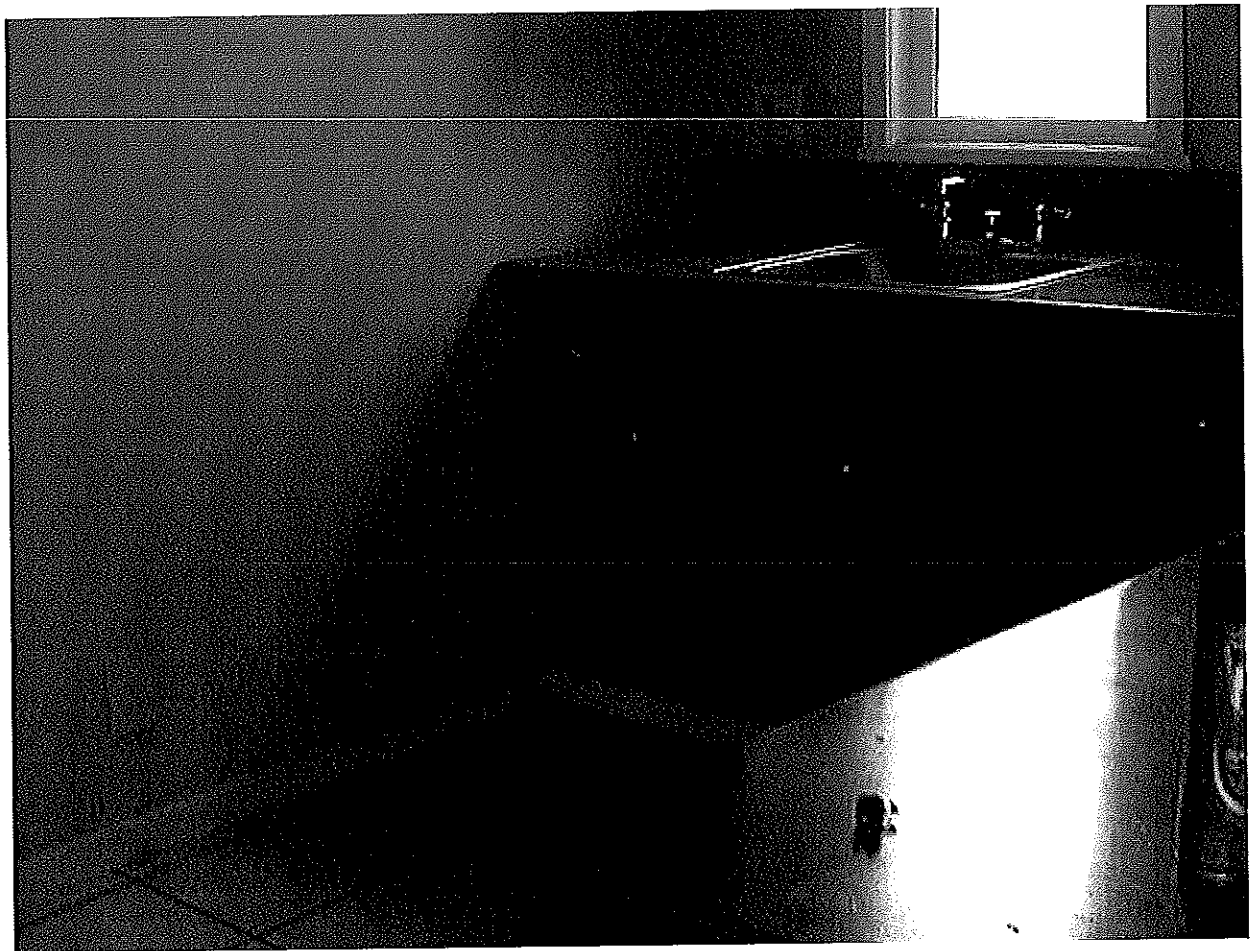
INTERIOR OF CONVERTED GARAGE



2781 TWIN OAKS LANE

FEBRUARY 24, 2012

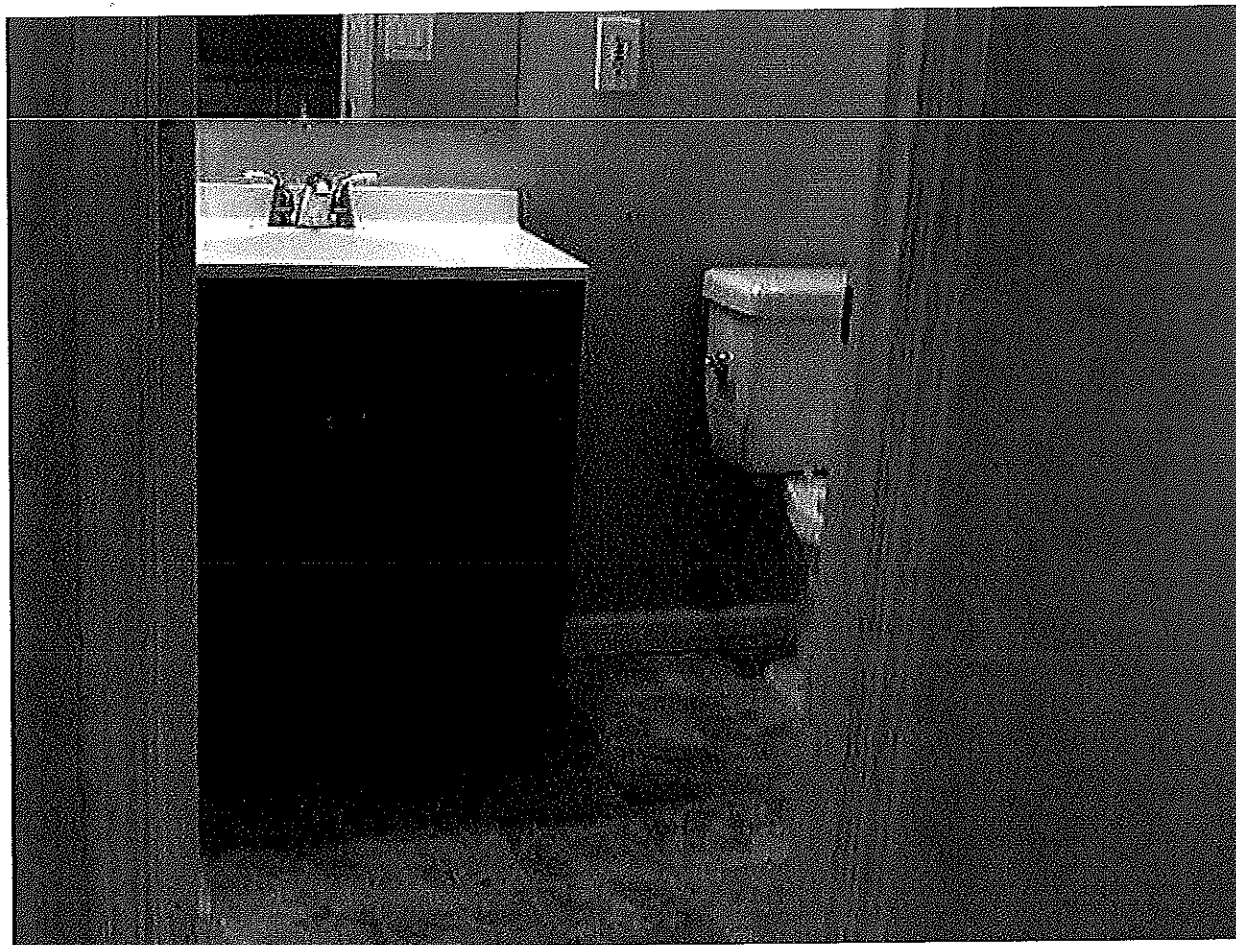
INTERIOR OF CONVERTED GARAGE



2781 TWIN OAKS LANE

FEBRUARY 24, 2012

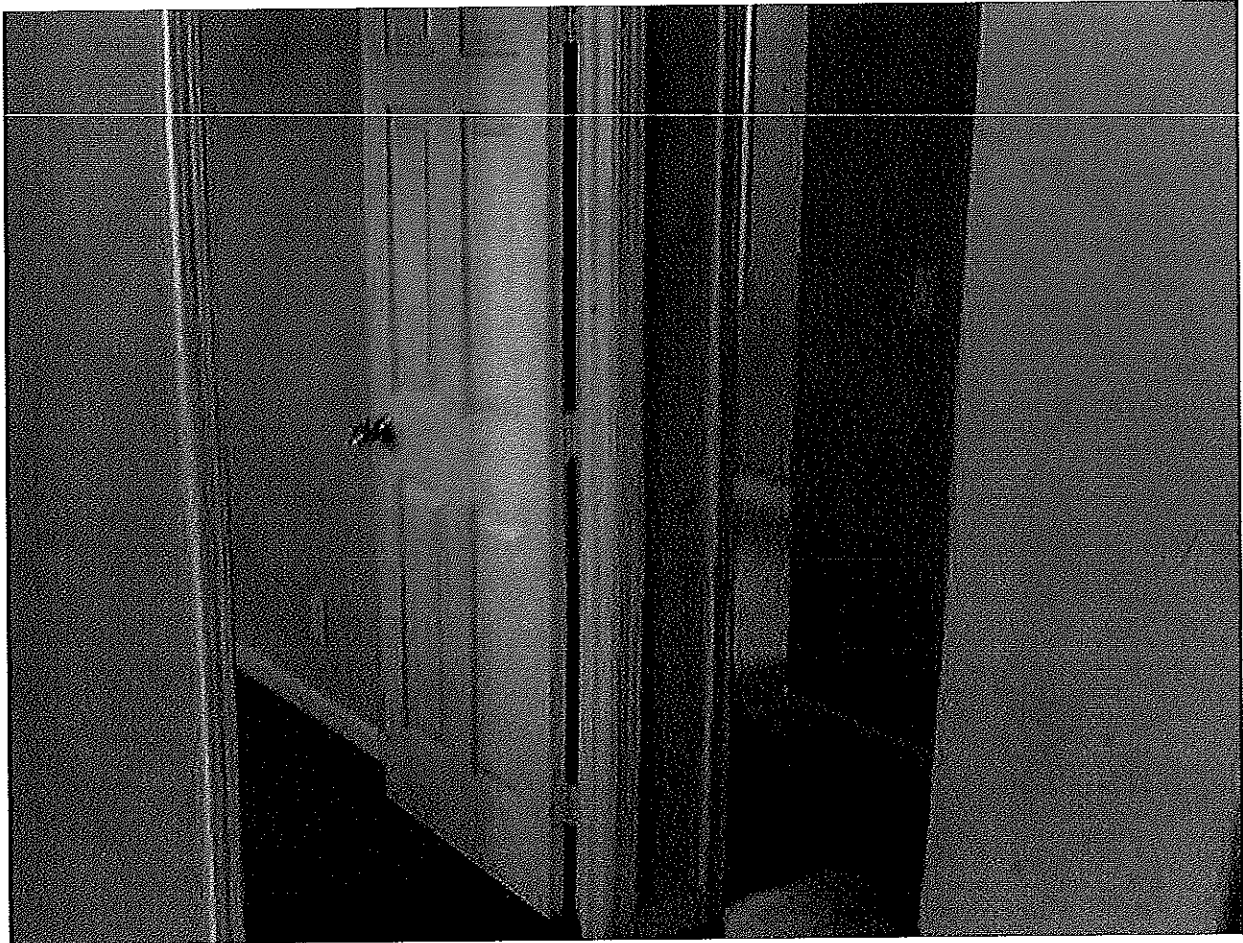
INTERIOR OF CONVERTED GARAGE



2781 TWIN OAKS LANE

FEBRUARY 24, 2012

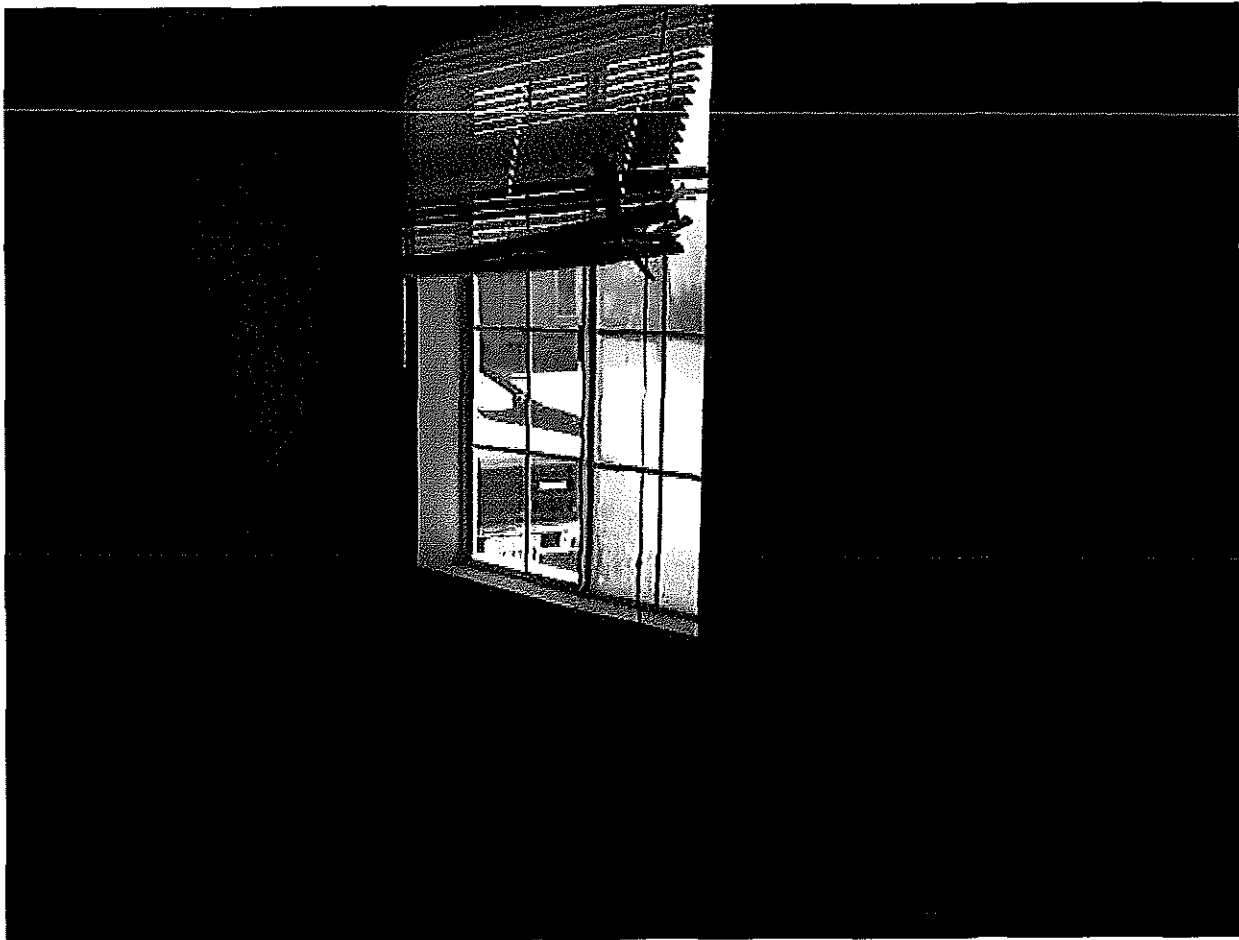
INTERIOR OF CONVERTED GARAGE



2781 TWIN OAKS LANE

FEBRUARY 24, 2012

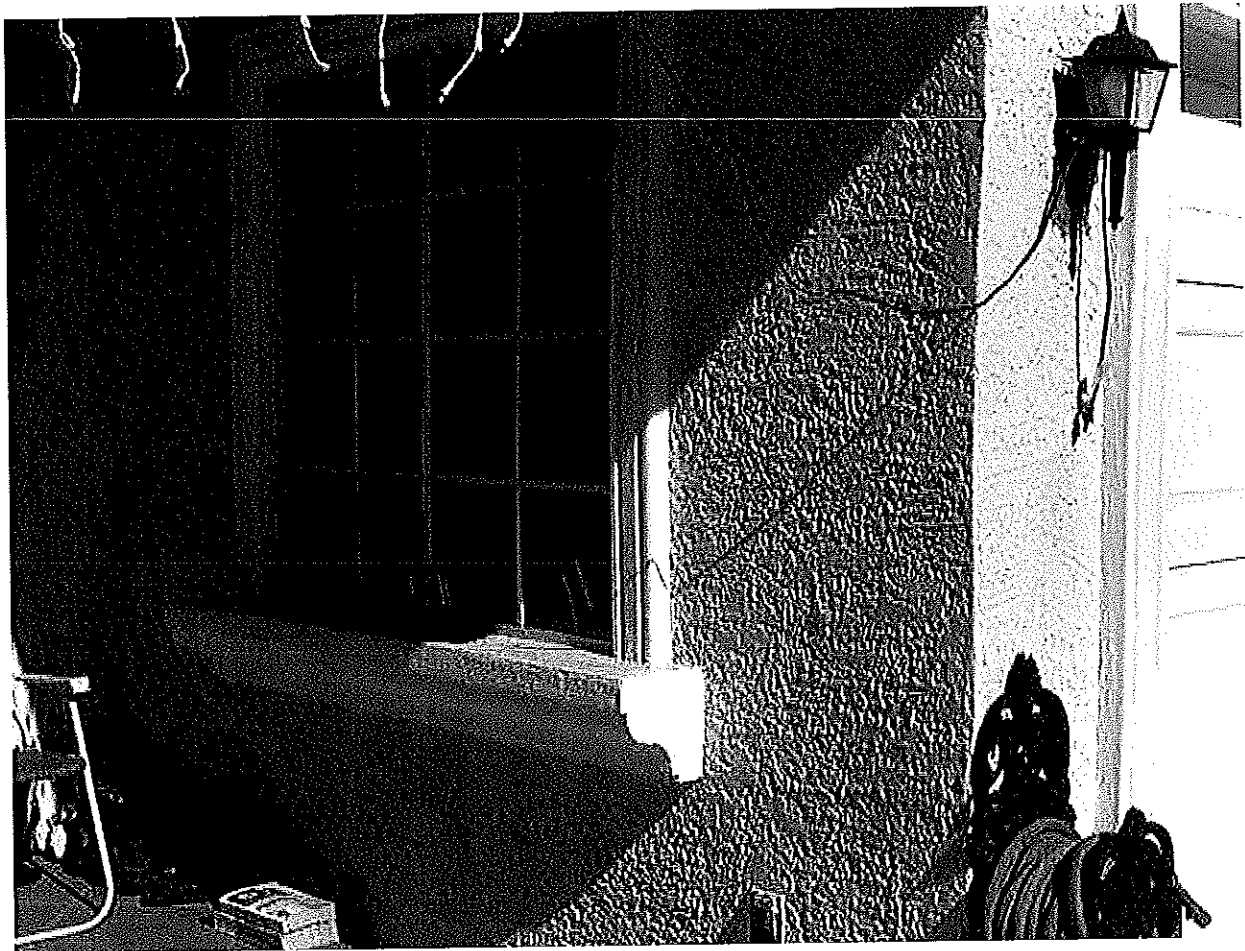
INTERIOR OF CONVERTED GARAGE



2781 TWIN OAKS LANE

FEBRUARY 24, 2012

UNPERMITTED WINDOW AT EXTERIOR OF THE GARAGE



2781 TWIN OAKS LANE

FEBRUARY 24, 2012

UNPERMITTED WINDOW AT THE EXTERIOR OF THE GARAGE

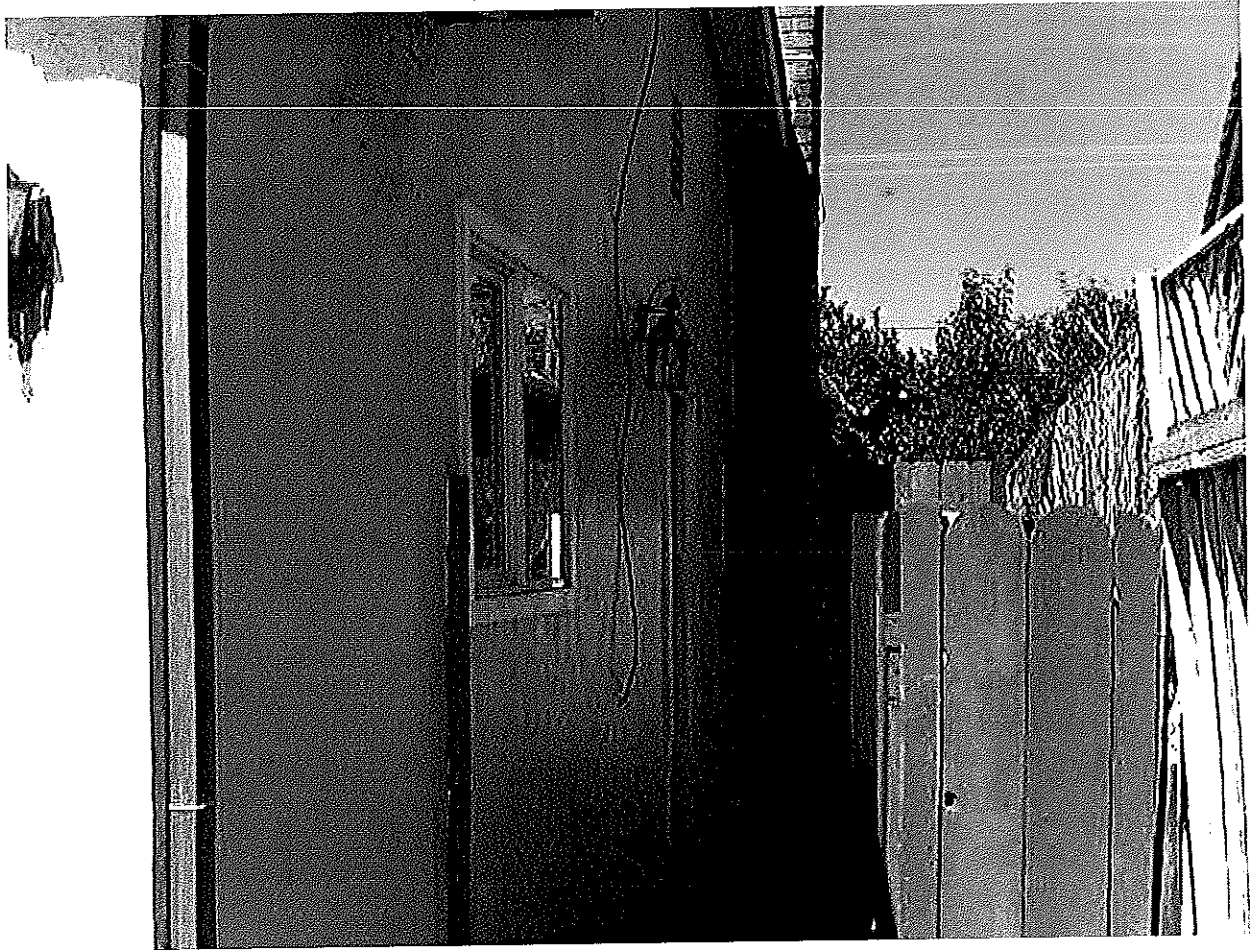


Exhibit C

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL DOCUMENT TO:

Omar A. Arias
2781 Twin Oaks Lane
San Jose, CA 95127

DOCUMENT: 20684490

Pages: 2



Fees . . . 28 00
Taxes . . . 1144 00
Copies
AMT PAID 1172 00

REGINA ALCOMENDRAS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
First American Title Company

RDE # 012
4/21/2010
8:00 AM

Space Above This Line for Recorder's Use Only

A.P.N.: 488-17-049-00

File No.: 4322-3391527 (MA)

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$286.00; CITY TRANSFER TAX \$858.00;
SURVEY MONUMENT FEE \$

- [☒] computed on the consideration or full value of property conveyed, OR
[☐] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
[☐] unincorporated area; [☒] City of San Jose, and
[☐] Miguel Garcia
Signature of Declarant

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Miguel Garcia, a married man**
as his sole and separate property

hereby GRANTS to **Omar A. Arias, a single man**

the following described property in the City of **San Jose**, County of **Santa Clara**, State of **California**:

ALL OF PARCEL H, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "RECORD OF SURVEY FOR GESH CONSTRUCTION COMPANY, LOTS 55 TO 64, INCLUSIVE, TRACT NO. 2489 EL DORADO HOMES UNIT NO. 2" WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON SEPTEMBER 2, 1960 IN BOOK 125 OF MAPS, PAGE 7.

EXCEPTING THEREFROM THE UNDERGROUND WATER, AS GRANTED IN THE DEED FROM CITY TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION, TO SAN JOSE WATER WORKS, A CALIFORNIA CORPORATION, RECORDED JULY 26, 1960 IN BOOK 4865 OF OFFICIAL RECORDS, PAGE 373.

Mail Tax Statements To: **SAME AS ABOVE**

Date: 04/19/2010

A.P.N.: 488-17-049-00

File No.: 4322-3391527 (MA)

Dated: 04/19/2010

Miguel Garcia
Miguel Garcia

STATE OF CALIFORNIA)SS
COUNTY OF SANTA CLARA

On APRIL 19, 2010, before me, ADA SHOCKLEY, Notary
Public, personally appeared MIGUEL GARCIA

, who proved to me on the basis of satisfactory evidence to
be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that
he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on
the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is
true and correct.

WITNESS my hand and official seal.

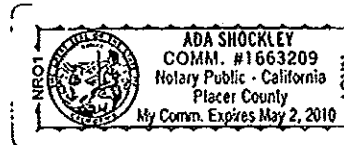
Signature

Ada Shockley

My Commission Expires: MAY 2, 2010

Notary Name: ADA SHOCKLEY

Notary Registration Number: 1663209



This area for official notarial seal

Notary Phone: 408-529-8389

County of Principal Place of Business: PLACER

Property Information (APN: 488-17-049)**Situs Address (es) :** 2781 TWIN OAKS LN SAN JOSE 95127-4567**Mailing Address:** 2781 TWIN OAKS LN SAN JOSE CA 95127-4567**Current Information Assessed Value**

PROPERTY INFORMATION			
Document No:	20684490	Document Type:	GRANT DEED
Transfer Date:	4/21/2010	Tax Default Date:	N/A

TAX RATE AREA INFORMATION 017-002	
City:	San Jose
Elem. School:	Alum Rock Union
High School:	East Side Union
Comm. College:	San Jose
Resource Consv.:	Guadalupe-coyote
Air Quality Mgmt.:	Bay Area Jt(1,7,21,28,38,41,43,48,49,57)
County Water:	Santa Clara Valley
County Water:	Santa Clara Valley-zone E-1
County Water:	Santa Clara Valley-zone W-4
Water-misc.:	Santa Clara County Importation

VALUE INFORMATION (Assessed Information as of 6/30/2015)						
Real Property		Business		Exemptions		Net Assessed Value
Land:	\$181,509	Fixtures:	\$0	Homeowner:	\$0	
Improvements:	\$97,735	Structure:	\$0	Other:	\$0	
		Personal Property:	\$0			
Total:	\$279,244	Total:	\$0	Total:	\$0	\$279,244

DISCLAIMER: This service has been provided to allow easy access and a visual display of County information. A reasonable effort has been made to ensure the accuracy of the data provided; nevertheless, some information may be out of date or may not be accurate. The County of Santa Clara assumes no responsibility arising from use of this information. ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Do not make any business decisions based on this data before validating the data. [Revenue and Taxation Code Section 408.3(c)]

2015 Assessed Value

PROPERTY INFORMATION			
Document No:	20684490	Document Type:	GRANT DEED
Transfer Date:	4/21/2010	Tax Default Date:	N/A

TAX RATE AREA INFORMATION 017-002	
City:	San Jose
Elem. School:	Alum Rock Union
High School:	East Side Union
Comm. College:	San Jose
Resource Consv.:	Guadalupe-coyote
Air Quality Mgmt.:	Bay Area Jt(1,7,21,28,38,41,43,48,49,57)
County Water:	Santa Clara Valley
County Water:	Santa Clara Valley-zone E-1
County Water:	Santa Clara Valley-zone W-4
Water-misc.:	Santa Clara County Importation

VALUE INFORMATION (Assessed Information as of 6/30/2015)						
Real Property		Business		Exemptions		Net Assessed Value
Land:	\$181,509	Fixtures:	\$0	Homeowner:	\$0	
Improvements:	\$97,735	Structure:	\$0	Other:	\$0	
		Personal Property:	\$0			
Total:	\$279,244	Total:	\$0	Total:	\$0	\$279,244

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2014 Assessed Value

PROPERTY INFORMATION			
Document No:	20684490	Document Type:	GRANT DEED
Transfer Date:	4/21/2010	Tax Default Date:	N/A

TAX RATE AREA INFORMATION 017-002	
City:	San Jose
Elem. School:	Alum Rock Union
High School:	East Side Union
Comm. College:	San Jose
Resource Consrv.:	Guadalupe-coyote
Air Quality Mgmt.:	Bay Area Jt(1,7,21,28,38,41,43,48,49,57)
County Water:	Santa Clara Valley
County Water:	Santa Clara Valley-zone E-1
County Water:	Santa Clara Valley-zone W-4
Water-misc.:	Santa Clara County Importation

VALUE INFORMATION (Assessed Information as of 6/30/2014)						
Real Property		Business		Exemptions		Net Assessed Value
Land:	\$177,954	Fixtures:	\$0	Homeowner:	\$0	
Improvements:	\$95,821	Structure:	\$0	Other:	\$0	
		Personal Property:	\$0			
Total:	\$273,775	Total:	\$0	Total:	\$0	\$273,775

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2013 Assessed Value

PROPERTY INFORMATION

Document No:	20684490	Document Type:	GRANT DEED
Transfer Date:	4/21/2010	Tax Default Date:	N/A

TAX RATE AREA INFORMATION 017-002

City:	San Jose
Elem. School:	Alum Rock Union
High School:	East Side Union
Comm. College:	San Jose
Resource Consv.:	Guadalupe-coyote
Air Quality Mgmt.:	Bay Area Jt(1,7,21,28,38,41,43,48,49,57)
County Water:	Santa Clara Valley
County Water:	Santa Clara Valley-zone E-1
County Water:	Santa Clara Valley-zone W-4
Water-misc.:	Santa Clara County Importation

VALUE INFORMATION (Assessed Information as of 6/30/2013)

Real Property		Business		Exemptions		Net Assessed Value
Land:	\$177,150	Fixtures:	\$0	Homeowner:	\$0	
Improvements:	\$95,388	Structure:	\$0	Other:	\$0	
		Personal Property:	\$0			
Total:	\$272,538	Total:	\$0	Total:	\$0	\$272,538

DISCLAIMER: This service has been provided to allow easy access and a visual display of County information. A reasonable effort has been made to ensure the accuracy of the data provided; nevertheless, some information may be out of date or may not be accurate. The County of Santa Clara assumes no responsibility arising from use of this information. ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Do not make any business decisions based on this data before validating the data. [Revenue and Taxation Code Section 408.3(c)]

Exhibit D

CITY OF SAN JOSE – INSPECTION NOTICE

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

Page 1 of 2

Case No:	201116461	Owner:	ARIAS OMAR A
Permit No:	N/A	Mailing Address:	2781 TWIN OAKS LN
Violation Address:	2781 TWIN OAKS LN		SAN JOSE CA 95127-4567
Inspection Date:	February 24, 2012	Occupant:	
Correction Due Date:	SEE BELOW		

AN INSPECTION OF THE PROPERTY FOR WHICH YOU ARE RESPONSIBLE HAS IDENTIFIED THE FOLLOWING VIOLATIONS OF THE SAN JOSE MUNICIPAL CODE:

Code Section	Violations and Corrections Required	Compliance Confirmed
24.01.130	Compliance with Title Provisions Required-It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the City, or cause or permit or suffer the same to be done, in violation of this title or in violation of any of the provisions of the Codes adopted hereunder.	
20.30.010 B	Residential Zoning Districts- No building, structure, or land shall be used, and no building or structure shall be erected, enlarged, or structurally altered, in the R-1, R-2, R-M, and R-MH Residential Districts except as set forth in the Chapter (20.30 of the San Jose Municipal Code). Zoned R-1-8	
24.02.100	Permits Required (UAC 301.1)-No building, structure or building service equipment regulated by this Title 24 of the Municipal Code and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the Building Official. <i>Changes include: garage has been converted into living space with a kitchen, full bathroom and 2 bedrooms without proper permits.</i>	

CORRECTIONS REQUIRED:

On or before September 9, 2013, contact Code Enforcement Inspector Todd Waltrip at todd.waltrip@sanjoseca.gov to discuss compliance regarding the building code violations identified above on the subject property. If you do not have access to email you may also contact him at: 408-535-4892

1.

NOTE: PERMITS FROM THE BUILDING DIVISION ARE REQUIRED FOR STRUCTURAL, PLUMBING, MECHANICAL AND ELECTRICAL WORK. WORK DONE WITHOUT THE REQUIRED PERMITS IS A MISDEMEANOR AND WILL NOT QUALIFY AS COMPLIANCE.

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS NOTICE, BEFORE THE REINSPECTION DATE ABOVE, MAY RESULT IN ISSUANCE OF A COMPLIANCE ORDER THAT COULD RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS.

CITY OF SAN JOSE – INSPECTION NOTICE

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

Page 2 of 2

If the re-inspection of the property reveals non-compliance with any of the required corrections in this Inspection Notice and a subsequent re-inspection is required to determine compliance, a re-inspection fee of \$175.00 will be assessed for each subsequent re-inspection.

August 13, 2013

SHARON YAMZON

408-535-7889

DATE OF NOTICE

CODE ENFORCEMENT INSPECTOR

BADGE #094E

PHONE NO.

WARNING

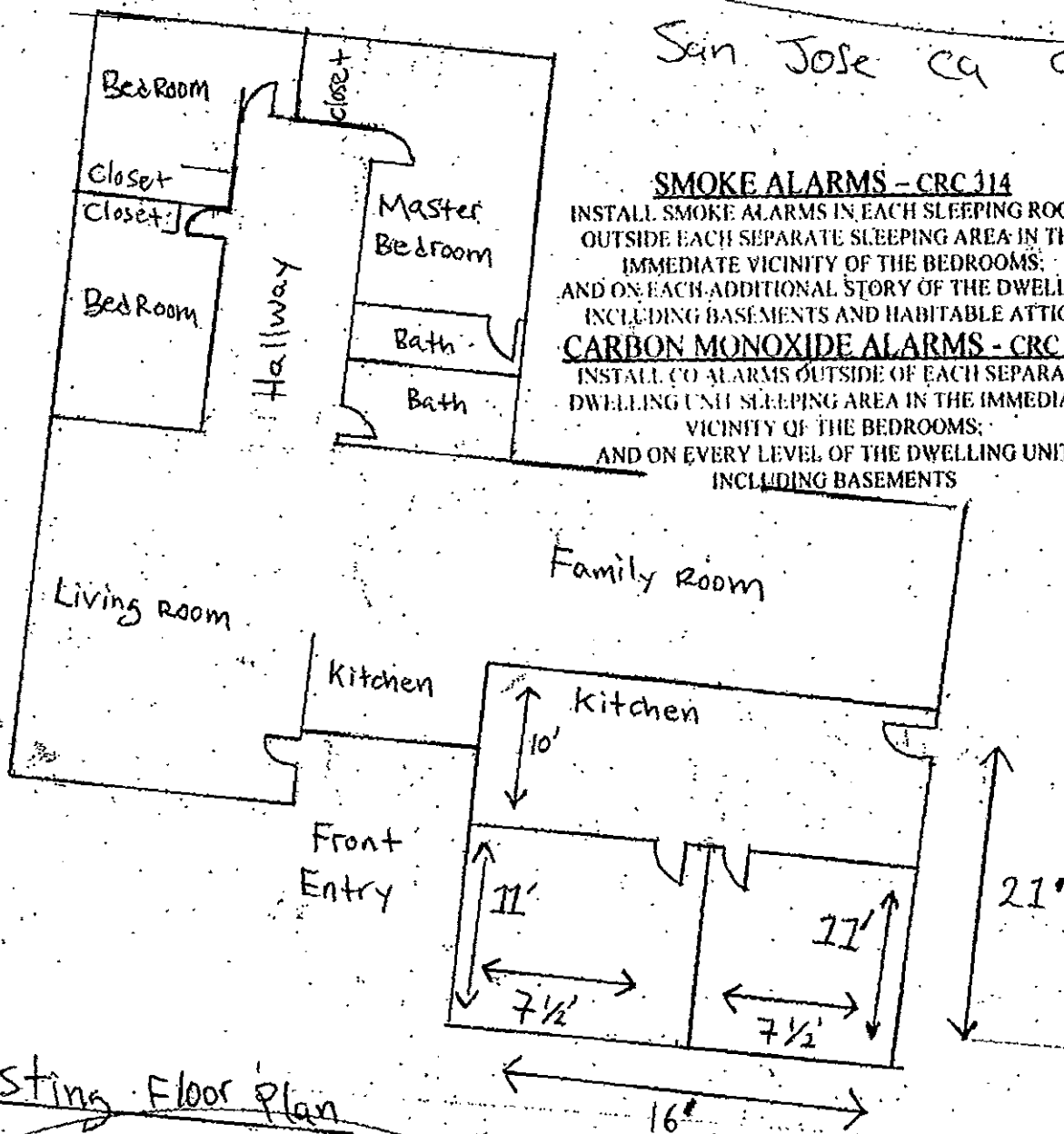
FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS NOTICE, BEFORE THE REINSPECTION DATE ABOVE, MAY RESULT IN ISSUANCE OF A COMPLIANCE ORDER THAT COULD RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS.

Exhibit E

Scope of Work: Remove unpermitted
2nd unit in garage & repair garage
To original use as a garage.

2781 Twin Oaks Ln

San Jose ca 95127



SMOKE ALARMS - CRC 314

INSTALL SMOKE ALARMS IN EACH SLEEPING ROOM;
OUTSIDE EACH SEPARATE SLEEPING AREA IN THE
IMMEDIATE VICINITY OF THE BEDROOMS;

AND ON EACH ADDITIONAL STORY OF THE DWELLING
INCLUDING BASEMENTS AND HABITABLE ATTICS

CARBON MONOXIDE ALARMS - CRC 315

INSTALL CO ALARMS OUTSIDE OF EACH SEPARATE
DWELLING UNIT SLEEPING AREA IN THE IMMEDIATE
VICINITY OF THE BEDROOMS;

AND ON EVERY LEVEL OF THE DWELLING UNIT
INCLUDING BASEMENTS

Existing Floor Plan

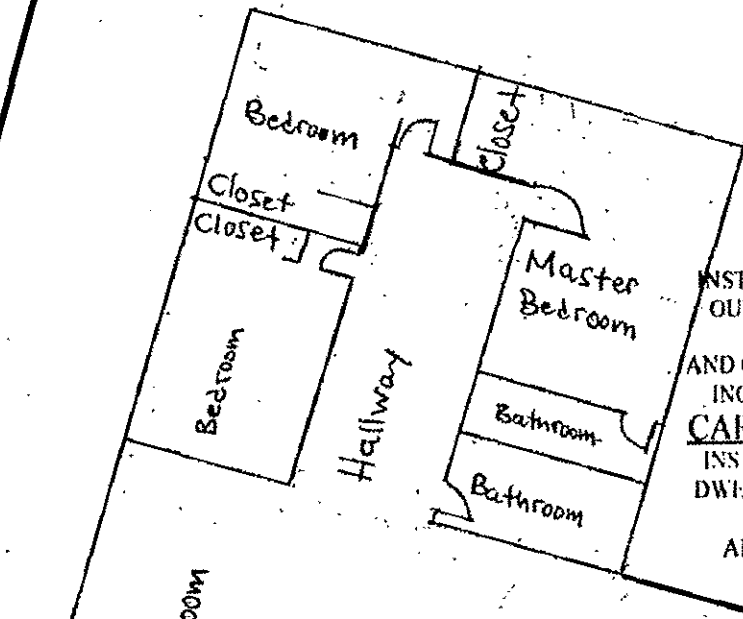
CITY OF SAN JOSE
BUILDING DIVISION

B.P. # 15-012446 BEP

DATE 4-2-15

Side walk

2781 Twin Oaks Ln
San Jose ca 95127

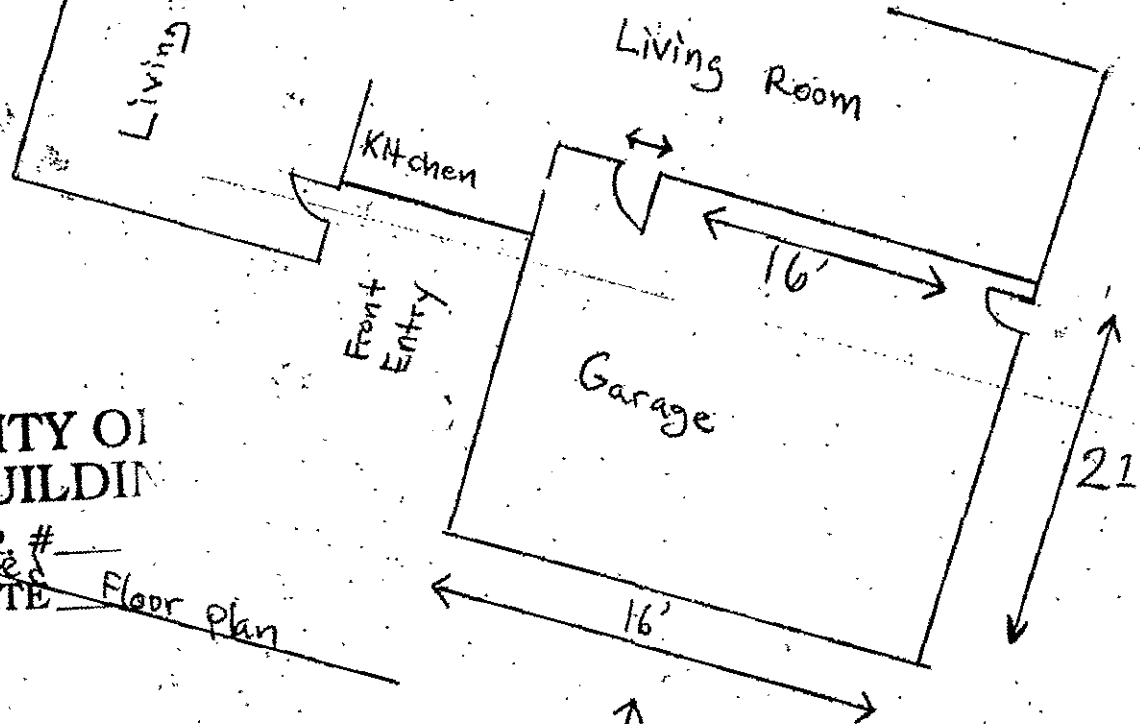


SMOKE ALARMS - CRC 314

INSTALL SMOKE ALARMS IN EACH SLEEPING ROOM;
OUTSIDE EACH SEPARATE SLEEPING AREA IN THE
IMMEDIATE VICINITY OF THE BEDROOMS;
AND ON EACH ADDITIONAL STORY OF THE DWELLING
INCLUDING BASEMENTS AND HABITABLE ATTICS

CARBON MONOXIDE ALARMS - CRC 315

INSTALL CO ALARMS OUTSIDE OF EACH SEPARATE
DWELLING UNIT SLEEPING AREA IN THE IMMEDIATE
VICINITY OF THE BEDROOMS;
AND ON EVERY LEVEL OF THE DWELLING UNIT
INCLUDING BASEMENTS



CITY OF
BUILDING

Prop #
DATE Floor plan



Department of Planning, Building and Code Enforcement
JOSEPH MORFITT, DIRECTOR

PERMIT APPLICATION: OWNER-BUILDER

BUILDING PROJECT IDENTIFICATION

Permit Number 15-012446

Property Location or Address 2781 Twin Oaks Ln Property Owners Name Omar Arias

Property Owner's Telephone No. 408 591-8606 Applicant's Mailing Address 1327 mardene Ct

Licensed Design Professional (Architect or Engineer) in charge of the project _____

WORKERS' COMPENSATION DECLARATION

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

I hereby affirm under penalty of perjury one of the following declarations:

☒ I have and will maintain a certificate of consent to self-insure for workers' compensation, issued by the Director of Industrial Relations as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. Policy No. _____

☒ I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
Carrier _____

Policy Number _____ Expires _____

Phone # _____

☒ I certify that, in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that, if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

Omar Arias Date 4/2/15
Signature of Property Owner OR Authorized Agent

Only check one item in this section above.

DECLARATION REGARDING CONSTRUCTION LENDING AGENCY

I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Section 3097, Civil Code).

Lender's Name _____

Lender's Address _____

Note: If not applicable, then mark N/A

OWNER-BUILDER APPLICANT

I certify to each of the following:

- I am the property owner or authorized to act on the property owner's behalf.
- I have read this application and the information I have provided is correct.
- I agree to comply with all applicable city and county ordinances and state laws relating to building construction.
- I authorize representatives of this city or county to enter the above-identified property for inspection purposes.

Omar Arias Date 4/2/15
Signature of Property Owner OR Authorized Agent

AUTHORIZATION FOR AN AGENT

TO ACT ON PROPERTY OWNER'S BEHALF

Excluding the Notice to Property Owner, the execution of which I understand is my personal responsibility, I hereby authorize the following person(s) to act as my agent(s) to apply for, sign, and file the documents necessary to obtain an Owner-Builder Permit for my property.

Note: Authorization for an agent to be completed only if the listed property owner(s) will not be present at time of the permit issuance. A photocopy of the owner(s) driver's license is required to verify authorizing signature.

Scope of Construction Project (or Description of Work) _____

Project Location or Address _____

Name of Authorized Agent _____

Address of Authorized Agent _____

Phone Number of Authorized Agent _____

I declare under penalty of perjury that I am the property owner for the address listed above and I personally filled out the above information and certify its accuracy.

Omar Arias Date 4/2/15
Property Owner's Authorizing Signature



OWNER-BUILDER DECLARATION

I hereby affirm under penalty of perjury that I am exempt from the Contractors' State License Law for the reason(s) indicated below by the checkmark(s) I have placed next to the applicable item(s) (Section 7031.5, Business and Professions Code; Any city or county that requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for the permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors' State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt from licensure and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).):

☒ I, as owner of the property, or my employees with wages as their sole compensation, will do ☐ all of or ☐ portions of the work, and the structure is not intended or offered for sale (Section 7044, Business and Professions Code: The Contractors' State License Law does not apply to an owner of property who, through employees' or personal effort, builds or improves the property, provided that the improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the Owner-Builder will have the burden of proving that it was not built or improved for the purpose of sale.).

☒ I, as owner of the property, am exclusively contracting with licensed Contractors to construct the project (Section 7044, Business and Professions Code: The Contractors' State License Law does not apply to an owner of property who builds or improves thereon, and who contracts for the projects with a licensed Contractor pursuant to the Contractors' State License Law.).

☒ I am exempt from licensure under the Contractors' State License Law for the following reason:

By my signature below I acknowledge that, except for my personal residence in which I must have resided for at least one year prior to completion of the improvements covered by this permit, I cannot legally sell a structure that I have built as an owner-builder if it has not been constructed in its entirety by licensed contractors. I understand that a copy of the applicable law, Section 7044 of the Business and Professions Code, is available upon request when this application is submitted or at the following Web site: <http://www.loginfo.ca.gov/calaw.html>.

Date 4/2/15

Signature of Property Owner OR Authorized Agent

Only check one item in this section above.

Omar Arias

Printed Name

When the Owner-Builder Declaration is executed, a Notice to Property Owner shall also be executed by the property owner. See page 3 of this application document for the 'Notice to Property Owner'.

The Notice to Property Owner shall be provided to the applicant by one of the following methods chosen by the permitting authority: regular mail, electronic format, or given directly to the applicant at the time the application for the permit is made.

Except as otherwise provided the Notice to Property Owner pursuant to this section shall be completed and signed **ONLY** by the property owner and returned prior to issuance of the permit.

A permit ~~shall not~~ be issued unless the property owner complies with this 'Notice To Property Owner' section on page 3 of this application document.

NOTICE TO PROPERTY OWNER

Dear Property Owner:

An application for a building permit has been submitted in your name listing yourself as the builder of the property improvements specified at the following address:

We are providing you with an Owner-Builder Acknowledgment and Information Verification Form to make you aware of your responsibilities and possible risk you may incur by having this permit issued in your name as the Owner-Builder.

We will not issue a building permit until you have read, initialed your understanding of each provision, signed, and returned this form to us at our official address indicated. *An agent of the owner cannot execute this notice.*

OWNER'S ACKNOWLEDGMENT AND VERIFICATION OF INFORMATION

An agent of the owner shall not execute this notice.

DIRECTIONS: Read and initial each statement below to signify that you understand or verify this information.

JA 1. I understand a frequent practice of unlicensed persons is to have the property owner obtain an "Owner-Builder" building permit that erroneously implies that the property owner is providing his or her own labor and material personally. I, as an Owner-Builder, may be held liable and subject to serious financial risk for any injuries sustained by an unlicensed person and his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an Owner-Builder and am aware of the limits of my insurance coverage for injuries to workers on my property.

JA 2. I understand building permits are not required to be signed by property owners unless they are responsible for the construction and are not hiring a licensed Contractor to assume this responsibility.

JA 3. I understand as an "Owner-Builder" I am the responsible party of record on the permit. I understand that I may protect myself from potential financial risk by hiring a licensed Contractor and having the permit filed in his or her name instead of my own.

JA 4. I understand Contractors are required by law to be licensed and bonded in California and to list their license numbers on permits and contracts.

JA 5. I understand if I employ or otherwise engage any persons, other than California licensed Contractors, and the total value of my construction is at least five hundred dollars (\$500), including labor and materials, I may be considered an "employer" under state and federal law.

JA 6. I understand if I am considered an "employer" under state and federal law, I must register with the state and federal government, withhold payroll taxes, provide workers' compensation disability insurance, and contribute to unemployment compensation for each "employee." I also understand my failure to abide by these laws may subject me to serious financial risk.

JA 7. I understand under California Contractors' State License Law, an Owner-Builder who builds single-family residential structures cannot legally build them with the intent to offer them for sale, unless all work is performed by licensed (cont)

(cont) subcontractors and the number of structures does not exceed four within any calendar year, or all of the work is performed under contract with a licensed general building Contractor.

JA 8. I understand as an Owner-Builder if I sell the property for which this permit is issued, I may be held liable for any financial or personal injuries sustained by any subsequent owner(s) that result from any latent construction defects in the workmanship or materials.

JA 9. I understand I may obtain more information regarding my obligations as an "employer" from the Internal Revenue Service, the United States Small Business Administration, the California Department of Benefit Payments, and the California Division of Industrial Accidents. I also understand I may contact the California Contractors' State License Board (CSLB) at 1-800-321-CSLB (2752) or www.cslb.ca.gov for more information about licensed contractors.

JA 10. I am aware of and consent to an Owner-Builder building permit applied for in my name, and understand that I am the party legally and financially responsible for proposed construction activity at the following address:

JA 11. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern Owner-Builders as well as employers.

JA 12. I agree to notify the issuer of this form immediately of any additions, deletions, or changes to any of the information I have provided on this form. Licensed contractors are regulated by laws designed to protect the public. If you contract with someone who does not have a license, the Contractors' State License Board may be unable to assist you with any financial loss you may sustain as a result of a complaint. Your only remedy against unlicensed Contractors may be in civil court. It is also important for you to understand that if an unlicensed Contractor or employee of that individual or firm is injured while working on your property, you may be held liable for damages. If you obtain a permit as Owner-Builder and wish to hire Contractors, you will be responsible for verifying whether or not those Contractors are properly licensed and the status of their workers' compensation insurance coverage.

Before a building permit can be issued, this form must be completed and signed by the property owner and returned to the agency responsible for issuing the permit.

Signature of Property Owner

Date: 4/2/15

Exhibit F

CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

Page 1 of 4

Case No: 201116461
Permit No: 2015-012446
Violation Address: 2781 TWIN OAKS LN
Inspection Date: FEBRUARY 4, 2012
Compliance Date: MAY 30, 2016

Owner: ARIAS OMAR A
Mailing Address: 2781 TWIN OAKS LN
SAN JOSE CA 95127-4567
Occupant: HOME OWNER

AN INSPECTION OF THE PROPERTY FOR WHICH YOU ARE RESPONSIBLE HAS IDENTIFIED THE FOLLOWING VIOLATIONS OF THE SAN JOSE MUNICIPAL CODE:

Code Section	Violations and Corrections Required	Compliance Confirmed
20.10.030	Compliance required No person shall use, allow or suffer the use of any land, building or structure except in strict compliance with the provisions of this <u>Title 20</u> , including the development and performance standards herein, and any permit issued pursuant hereto. The temporary or transitory nature of a use does not exempt it from this requirement.	
24.01.100	Purpose The purpose of this title is to provide for the administration and enforcement of the building, residential, plumbing, mechanical, electrical, the existing building, Green Building Standards code, and historical codes adopted by the City of San José.	
24.01.130	Compliance with Title Provisions Required It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the city, or cause or permit or suffer the same to be done, in violation of this title or in violation of any of the provisions of the Codes adopted hereunder.	
24.02.100	Permits Required (UAC 301.1) Except as specified in this part, no building, structure or building service equipment regulated by this title and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the building official.	

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

Page 2 of 4

Case No: 201116461
Permit No: 2015-012446
Violation Address: 2781 TWIN OAKS LN
Inspection Date: FEBRUARY 4, 2012
Compliance Date: MAY 30, 2016

Owner: ARIAS OMAR A
Mailing Address: 2781 TWIN OAKS LN
SAN JOSE CA 95127-4567
Occupant: HOME OWNER

AN INSPECTION OF THE PROPERTY FOR WHICH YOU ARE RESPONSIBLE HAS IDENTIFIED THE FOLLOWING VIOLATIONS OF THE SAN JOSE MUNICIPAL CODE:

Code Section	Violations and Corrections Required	Compliance Confirmed
24.01.100	<p>Approval Required</p> <p>A. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official.</p> <p>B. Reinforcing steel or structural framework of a part of a building or structure shall not be covered or concealed without first obtaining the approval of the building official.</p> <p>C. The building official, upon notification, shall make the requested inspections and shall either indicate that portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this title.</p> <p>D. Any portions of work which do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.</p> <p>E. There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.</p>	

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

Page 3 of 4

VIOLATIONS

1. Unpermitted alterations to a single family home that include: attached garage conversion to 2nd unit. The 340 Sq. ft. garage has been converted into living space with two bedrooms, new water heater, installation of two windows (one on each side garage wall) and portion of rear wall removed to access closed of section where a second kitchen and bathroom were added for the second dwelling unit.

CORRECTIONS REQUIRED

1. On or before May 30, 2016, you are hereby required to:
 - Contact the Building Division (408) 535-3555 to reactivate permit #2015-012446 or obtain a permit to final the expired permit.
 - Complete all corrective building work to legalize permit #2015-012446 for the following scope of work: revert the attached garage back to its original state, open exterior wall and install a functional garage door/garage door opener, cap off washing machine drain AND obtain a final clearance inspection (finalized permit) from the City of San Jose Building Division.
- *Additional property and permit information may be found on the City's website at www.sjpermits.org/permits/ or by calling our Information hotline at (408) 535-3555.*

NOTE: PERMITS FROM THE BUILDING DIVISION ARE REQUIRED FOR STRUCTURAL, PLUMBING, MECHANICAL AND ELECTRICAL WORK. WORK DONE WITHOUT THE REQUIRED PERMITS IS A MISDEMEANOR AND WILL NOT QUALIFY AS COMPLIANCE.

If compliance has not been achieved by the date as reflected in this compliance order, the City of San Jose will assess a re-inspection fee of \$189.89 for each re-inspection.

April 15, 2016
Date of Notice

William Gerry 105E
Code Enforcement Inspector

(408) 535-6893
Phone #

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

Page 4 of 4

The Department of Planning, Building and Code Enforcement (Code Enforcement) has issued a Compliance Order (Compliance Order) alleging that the subject property is in violation with the San Jose Municipal Code. Failure to correct all violations listed in the order, before the compliance date may result in administrative penalties up to \$2,500 per day for each violation until compliance is achieved as well as the assessment of all administrative costs. This action is in addition to all other legal remedies, criminal or civil, which may be pursued by the city in response to any violation.

If you believe that your property is not in violation with the San Jose Municipal Code and you dispute the basis for Compliance Order, you **MUST** file a request for a Director's hearing within fourteen (14) calendar days of the date of the Compliance Order was mailed or personally delivered to the responsible person(s).

Your request for hearing must be mailed or personally delivered to:

City of San Jose
Code Enforcement Division
200 East Santa Clara Street 4th flr.
San Jose Ca, 95113-1905

Your request for an appeal must be received by the City within the timeline above. If you do not file a request for hearing, the Compliance Order will become final. If a timely appeal is filed, then a hearing will be scheduled. You will receive at least seven (7) days notice that a hearing on your appeal will take place.

The Director's hearing is informal and provides you with an opportunity to present your evidence and testimony in dispute of the Compliance Order. After the close of the hearing, the Director will make a decision. The written decision will be mailed to the person subject to the Compliance Order. If you dispute the Director's decision, you may appeal to the San Jose Appeals Hearing Board within ten (10) days of the date of the written decision of the Director. That Board is described at:

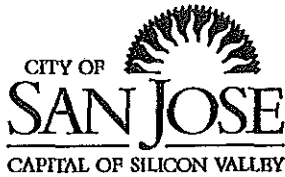
<http://www.sanjoseca.gov/clerk/CommissionBoard/AppealsHear.asp>

Your rights when a Compliance Order is issued are contained in the San Jose Municipal Code Section 1.14.030 and the following sections. It is available on line at www.sanjoseca.gov by clicking on the link at the right of the page, "Municipal Code."

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

Exhibit G



Department of Planning, Building and Code Enforcement

September 22, 2016

ARIAS OMAR A
2781 TWIN OAKS LN
SAN JOSE, CA 95127-4567

SUBJECT: 2781 TWIN OAKS LANE
CASE NUMBER: 201116461

Dear Property Owner:


I am writing to follow up on the on-going case against your home located at 2781 Twin Oaks Lane.

The corrective action specified in the enclosed Compliance Order issued on April 15, 2016, was not completed. The attached Compliance Order highlights the remaining violations that need to be corrected. Please be advised that I will begin preparing this case for the Appeals Hearing Board. I strongly encourage you to complete the following:

- Complete all corrective building work to legalize permit #2015-012446 for the following scope of work: revert the attached garage back to its original state, open exterior wall and install a functional garage door/garage door opener, cap off washing machine drain AND obtain a final clearance inspection (finalized permit) from the City of San Jose Building Division.

Penalties of up to \$2,500 per violation per day may be imposed by the board. Please take the necessary steps to correct the violation listed above. Failure to do so will result in penalties and fines being levied against you.

You are welcome to contact me if you have any questions. I may be reached at (408) 535-6893.



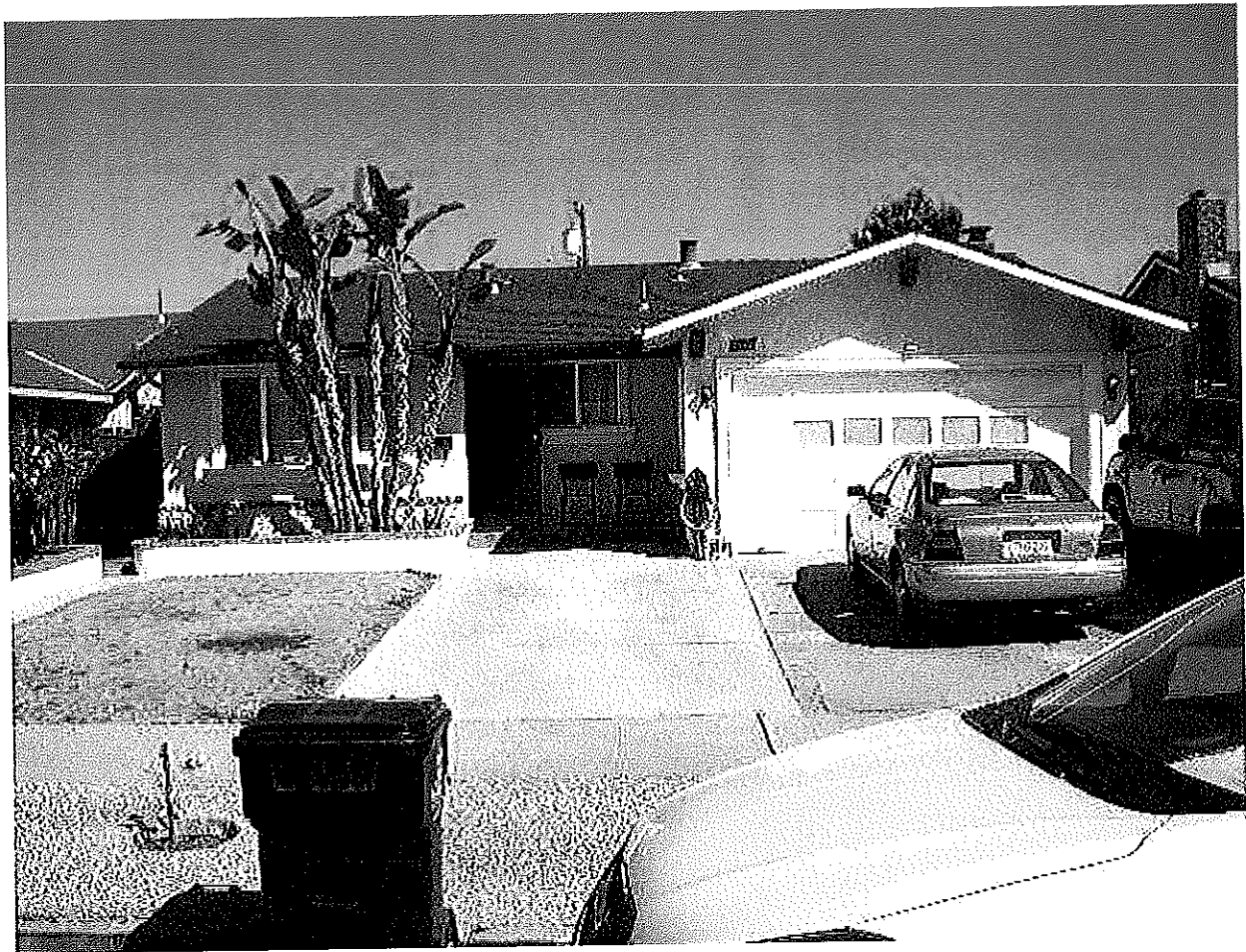
William Gerry, 105E
Code Enforcement Inspector

Exhibit H

2781 TWIN OAKS LANE

JULY 12, 2017

SUBJECT PROPERTY



2781 TWIN OAKS LANE

JULY 12, 2017

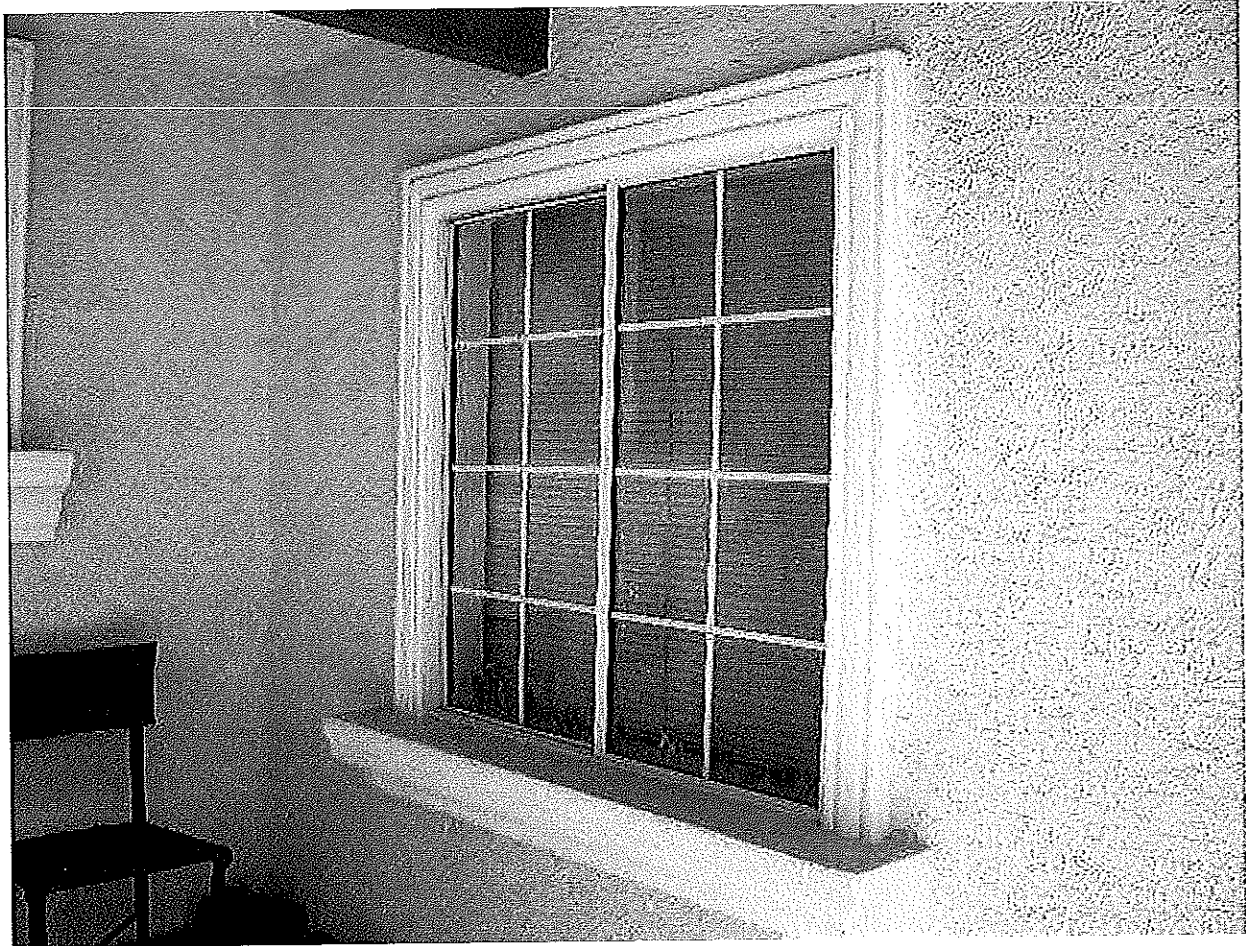
UNPERMITTED WINDOW AT THE EXTERIOR OF THE GARAGE



2781 TWIN OAKS LANE

JULY 12, 2017

UNPERMITTED WINDOW AT THE EXTERIOR OF THE GARAGE



1
2 **PROOF OF SERVICE**

3 CASE NAME: CITY OF SAN JOSE v OMAR A. ARIAS

4 I, the undersigned declare as follows:

5 I am a citizen of the United States, over 18 years of age, employed in Santa Clara
6 County, and not a party to the within action. My business address is 200 E. Santa Clara
7 Street, San Jose, California 95113, and I am employed in the county where the service
described below occurred.

8 On October 11, 2017, I caused to be served the within:

9 **APPEALS HEARING BOARD NOTICE**

10 **Regarding real property located at:**

11 **2781 TWIN OAKS LANE, SAN JOSE, CA 95127**

12 ☒ by MAIL, with a copy of this declaration, by depositing them into a sealed envelope,
13 with postage fully prepaid, and causing the envelope to be deposited for collection
and mailing on the date indicated above.

14 I further declare that I am readily familiar with the business' practice for collection
15 and processing of correspondence for mailing with the United States Postal
Service. Said correspondence would be deposited with the United States Postal
16 Service the same day listed above in the ordinary course of business.

17 I further declare that the name and address as shown on the envelope is as follows:

18 Party Served:

19
20 OMAR A. ARIAS
21 2781 TWIN OAKS LANE
SAN JOSE, CA 95127

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct. Executed on **October 11, 2017**, at San Jose, California.

24
25 
26 KARLA CACERES
27 STAFF SPECIALIST
28